



Hungarian Helsinki Committee

COMPLAINT MECHANISM POLICY

of the

HUNGARIAN HELSINKI COMMITTEE

The purpose of the complaint mechanism policy is to solve problematic situations that may arise when clients and projects' beneficiaries come into contact with the Hungarian Helsinki Committee (hereinafter referred to as "the HHC"). This includes all verbal and written communication and situations arising especially from:

- the conduct of staff in activities connected to the provision of legal assistance and representation;
- the conduct of staff during the implementation of projects (including but not limited to: research activities, events, courses, monitoring, interviewing, etc.);

This policy addresses cases where the HHC's beneficiary or client wishes to file a complaint on a concrete safeguarding violation, and receive a formal answer. This policy does not cover situations in which the HHC's beneficiary or client informally tells the HHC's staff about an everyday, minor problem and receives an immediate answer.

PERSONAL SCOPE

In line with the scope of HHC's Code of Conduct, this complaint mechanism policy shall cover safeguarding violations committed by or attributable to any HHC employee, staff attorney, intern, volunteer, contracted attorney, and legal advisor and third parties acting in their capacity as mandated by the HHC for a specific task (hereinafter referred to as "the HHC's staff").

POLICY STATEMENT

The HHC believes that everyone we come into contact with, regardless of age, gender identity, disability, sexual orientation, or ethnic origin, needs to be treated in agreement with our core values of equality, dignity and respect, and is entitled to protection from all forms of harm.

In particular, and as outlined on the Code of Conduct of the HHC (in effect as of January 1, 2019), each employee, staff attorney, intern, and volunteer commits themselves to seek to care for and protect the rights of children and act in a manner that ensures that their best interests shall be the paramount consideration. They must also aim to ensure that the children with whom they work are protected from all forms of harm, abuse, neglect and exploitation. They will aim to avoid situations which could put children at risk of trauma, physical or psychological hardship.

If necessary, the staff will seek support from experts and partner organisations with specific expertise on specific vulnerable groups (such as children or torture victims), to ensure the effective adherence to the above principles in practice.

The HHC commits to addressing safeguarding throughout its work through the three pillars of **prevention, reporting, and response**.

PREVENTION

The HHC will:

- Design and undertake all its programmes and activities in a way that protects its clients and beneficiaries from any risk of harm or safeguarding violations that may arise from their coming into contact with the HHC. This includes the way in which information about individuals in our programmes is gathered and communicated;
- Continue to creating and maintaining a working environment that prevents safeguarding violations of clients and beneficiaries by an HHC's staff;
- Report any concern or suspicion regarding safeguarding violations by an HHC's staff member to the appropriate staff member using the HHC's whistleblowing mechanism (described in the HHC's Code of Conduct);
- During the onboarding process of new staff members, HHC staff senior members provide thorough information about the HHC core values and the expected conduct towards its beneficiaries. HHC also provides a list of recommended readings in connection with the expected conduct during its activities (e. g. its own Short Guide on the Support and Care of Asylum Seeking Torture Victims);
- The HHC's well-being support for its employees helps to prevent burn-out which could lead to misconduct.

REPORTING

Enabling reports

The HHC will:

- Ensure all HHC's staff have access to, are familiar with, and know their responsibilities within this complaint mechanism policy;
- Ensure the complaint mechanism is available in a confidential, easy-to-understand, plain-language, multilingual format for all its beneficiaries and clients, and that a child-friendly version of the mechanism is in place;
- Publicise the complaint mechanism and how to access it among the HHC's staff, clients, and beneficiaries to ensure transparency;
- Make clients and beneficiaries aware of how to make complaints via the complaint mechanism if a safeguarding violation arises, and clearly explain what to expect as a result of the mechanism's implementation;
- Beware of any barriers that could prevent certain groups of clients and beneficiaries from lodging complaints, and make the necessary arrangements to overcome them.

RESPONSE

The HHC will:

- Provide written proof of the receipt of the complaint to the complainant as soon as it receives it;
- Follow up on reports made through this complaint mechanism promptly and according to due process, legal and statutory obligations.
- Apply appropriate measures to solve the problem:
 - The complaint will be investigated thoroughly.

- The staff member allegedly misconducting will be excluded from the complaint's content investigation team.
- Appropriate measures will be taken in case of verified misconducts.
- Restorative approach will be used in case of less severe misconduct with the involvement of the complaint filing beneficiary when possible and appropriate.
- The complaints will be officially replied to in writing. The response will contain the findings of the investigation, and the offered reparation, if applicable.
- HHC will search for possible and necessary changes in its internal regulations when the investigation finds misconduct.

APPLICABILITY OF THE CODE OF CONDUCT

The investigatory procedures as set forth in Section VII in the Code of Conduct shall be applicable in the procedures regulated in the current Policy as well, unless otherwise stated.

ROLES AND RESPONSIBILITIES

The HHC will follow the procedure established under the "whistleblowing policy" of its Code of Conduct:

- 1) The complaint will be submitted to the competent Investigating Officer. The Investigating Officer and her/his substitute shall be designated by the co-chairs of the HHC for a period of one calendar year by 15 December of the preceding calendar year. Should any of the HHC co-chairs be involved in the contested action, the Investigating Officer will be the member of the association designated by the association's General Assembly. In such cases, the information about the violation shall be disclosed to the Chair of the Board of Supervisors who will be responsible for initiating the General Assembly's action.
- 2) The Investigating Officer should, as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the Investigating Officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.
- 3) The Investigating Officer will investigate the alleged misconduct with due diligence. Her/his investigation will include the clarification of all relevant facts and circumstances, informing the staff member(s) against whom the complaint has been made, and the involvement – if necessary – of the HHC's Board of Supervisors or any other expert or HHC staff member or partner. A reasoned opinion concerning the complaint and the validity of the complaint will be made by the Investigating Officer, containing the findings of the investigations and the reasons for the conclusions. If there is evidence of criminal activity, the Investigating Officer should inform the police as soon as possible. In all other cases, the course of action to be followed will be determined by a decision of the co- chairs or – in a case concerning either co-chair or both co-chairs – by the General Assembly of the HHC, based on the reasoned opinion of the Investigating Officer.

CONFIDENTIALITY

Confidentiality must be maintained at all stages of the complaint mechanism process. Information on the concern and subsequent case management should be shared on a need to know basis only and should be kept secure at all times.